

Attachment 1

[Note: The pre-existing regulation text is set forth below in normal type. The original proposed amendments are shown in underline to indicate additions and ~~striketrough~~ to indicate deletions. Additional proposed modifications are shown in double underline to indicate additions and ~~double striketrough~~ to indicate deletions. The square brackets “[]” are used to indicate minor adjustments to text (e.g., page numbers and adoption dates) that will be updated upon adoption of the proposed amendments. The symbol “****” means that intervening text not proposed for amendment is not shown.]

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA AIR RESOURCES BOARD

EMISSION INVENTORY CRITERIA AND GUIDELINES

FOR THE AIR TOXICS "HOT SPOTS" PROGRAM

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State of California
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EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT

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EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT

Section I. Purpose and How to Use This Report

A. Purpose.

This report sets forth the criteria and guidelines for preparing emission inventory plans and reports to develop site-specific inventories of air emissions of toxic substances, as required by the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (the "Act": Stats. 1987, ch. 1252; Health and Safety Code (H&SC) section 44300-44394, as amended). The requirements in this report are enforceable as regulations because this report is incorporated by reference into title 17 of the California Code of Regulations, section 93300.5.

This Emission Inventory Criteria and Guidelines Report does the following: 1) specifies which facilities are subject to air toxics emission inventory reporting and update reporting; 2) specifies information a facility operator must include in a facility's air toxics emission inventory plan and inventory report; 3) identifies specific classes of facilities that emit less than ten tons per year of criteria pollutants that are subject to the "Hot Spots" program and specifies their emission inventory reporting requirements; 4) specifies source testing requirements, acceptable emission estimation methods, and the reporting formats to be used; 5) establishes groups of the substances to be inventoried; 6) designates facilities into levels for purposes of update reporting, based on prioritization scores, risk assessment results, or *de minimis* thresholds; 7) exempts "low level" facilities from further update reporting unless specified reinstatement criteria are met, and specifies the update reporting requirements for other facilities; 8) specifies information a facility operator must include in a facility's update to their emission inventory; and 9) includes provisions for integrating "Hot Spots" reporting with other district programs if specified criteria are met.

Notwithstanding the requirements outlined in this report, H&SC section 44365(b) allows air districts to adopt more stringent requirements. Specifically, the statute reads: "This part does not prevent any district from establishing more stringent criteria and requirements than are specified in this part for approval of emissions inventories and requiring the preparation and submission of health risk assessments. Nothing in this part limits the authority of a district under any other provision of law to assess and regulate releases of hazardous substances."

The 2020 amendments revise the Emission Inventory Criteria and Guidelines Regulation (Title 17, California Code of Regulations, section 93300.5) to incorporate by reference, the 2020 amended Emission Inventory Criteria and Guidelines Report (2020 EICG Report). The amendments included in the 2020 EICG Report include revisions to the main Sections (Sections I through XI), as well as the Appendices (Appendix A through Appendix G).

Summary of Proposed Regulatory Amendments to EICG and Appendices

<u>Topic</u>	<u>Proposed Regulatory Updates</u>
<u>General</u>	<ul style="list-style-type: none"> • <u>Incorporate by reference the most recent OEHHA Risk Assessment Guidelines</u> • <u>Incorporate by reference the most recent CAPCOA Facility Prioritization Guidelines</u> • <u>Update several definitions for clarity and consistency with other programs</u> • <u>Update list of documents incorporated by reference</u> • <u>Harmonize with other reporting requirements</u>
<u>Reporting Requirements</u>	<ul style="list-style-type: none"> • <u>Expand the reporting of building height and related parameters within zone of building downwash effects</u> • <u>Include language to address prior guidance regarding on-site mobile source coverage and other technical interpretations</u> • <u>Add factors for district consideration in determining facility exemptions and reinstatements</u> • <u>Add factors for district consideration in determining extent of update reporting provisions</u>
<u>Diesel Engine Reporting Requirements</u>	<ul style="list-style-type: none"> • <u>Update Diesel engine risk screening tables</u> • <u>Require reporting of emissions from stationary portable diesel engines greater than 50 horsepower at specified larger facilities</u> • <u>Clarify text allowing districts to override facility exemptions for smaller engines that may pose public health risk</u> • <u>Clarify scenarios that the districts may determine as routine operations for emissions reporting</u> • <u>Strengthen the use of population-wide impact parameters as a consideration for screening assessments</u>
<u>Appendix A – List of Reportable Substances</u>	<ul style="list-style-type: none"> • <u>Update the list of reportable substances to include new/modified chemicals of concern</u> • <u>Add three types of chemical functional group categories to Appendix A-I</u> • <u>Establish a phase-in schedule for reporting of newly added chemicals</u>
<u>Appendix C – Facility "Look-Up" Table</u>	<ul style="list-style-type: none"> • <u>Update the list of chemicals associated with specific industry sectors and broad overarching processes</u>
<u>Appendix D – Source Testing Requirements</u>	<ul style="list-style-type: none"> • <u>Add new source test requirements for waste management facilities, allowing for a two-step testing and review process</u> • <u>Add new source test requirements for secondary aluminum processing</u>

<u>Topic</u>	<u>Proposed Regulatory Updates</u>
<p><u>Appendix E – Requirements for Facilities Emitting Less than 10 ton/year of Criteria Pollutants</u></p>	<ul style="list-style-type: none"> • <u>Update the classes/sectors and reporting thresholds to add facility types posing potential public health concerns</u> • <u>Revise categories and thresholds to more health protective levels, in light of 2015 OEHHA health risk science</u> • <u>Add a class/sector for facilities that emit 4 or more tons per year of criteria pollutants (but less than 10 tons per year)</u> • <u>Establish a sector phase-in schedule consistent with CTR Regulation</u>
<p><u>Appendix F – Criteria/Protocols for Screening Assessment</u></p>	<ul style="list-style-type: none"> • <u>Establish a stepwise protocol for determining acceptable types of screening air dispersion and other screening methods</u>

~~The 2006 amendments add a new chapter on diesel engine reporting requirements, new definitions, and other minor revisions to bring the Guidelines Regulation up to date. Otherwise, the bulk of the Guidelines Regulation is unchanged.~~

TABLE 1
How to Locate Information in this Regulatory Report

<i>A. If you are a new facility....</i>	Refer to:
1. Is the facility subject to "Hot Spots" reporting requirements?	Section II. Applicability. Also see Appendix E for classes of smaller facilities.
- Do you have any diesel engines?	Section XI.
- Could a permit evaluation qualify facility for exemption as a "low level" facility?	Section II. C.
- Is your facility covered by an industrywide inventory prepared by the district?	Section II. C., and Section XI for diesel engines.
2. If you are required to prepare an emission inventory plan and report:	Section VI. Requirements for Preparing Emission Inventory Plans. Section VII. Requirements for Emission Inventory Reports. Section VIII. Other Requirements.
- Is any source testing required? What emission factors and estimation methods are acceptable?	Appendix D and Section IX. Source Testing and Emission Factors.
- What substances are covered?	Appendix A: List of Substances.
- If you need help identifying some likely substances from your facility's operation:	Appendix C: Facility "Look-Up" Table.
- What data must be reported and in what form?	Appendix B: Reporting Formats and Forms.
- Where are terms defined?	Section X. Definitions.

TABLE 1 (continued)

<i>B. If your facility <u>has reported at least once</u>...</i>	Refer to:
1. Has your facility changed so it no longer meets the applicability criteria?	Section III. Removal of Facilities That No Longer Meet Applicability Criteria.
2. Is your facility exempt from further compliance based on prioritization score?	Section II.J.
3. What is the update category of your facility?	Section IV. Update Categories and Exemptions From Update Reporting.
- "Low level" <u>facilities</u> : <u>exempted</u> from update reporting, unless changes trigger reinstatement criteria.	Section IV.A.
- "Intermediate level" <u>facilities for update reporting</u> .	Section IV.B.
- "High level" <u>facilities for update reporting</u> .	Section IV.C.
4. What update reporting is required? Can other reporting programs substitute?	Section V. Update Reporting Requirements.
- "Low level" facilities: exempt from updates.	Section V.D.
- "Intermediate level" facilities: track activity. May be able to substitute merged toxics/criteria inventory reporting for "Hot Spots" update requirement.	Section V.C.
- "High level" facilities: update risk-driving devices. May be able to substitute Risk Reduction Audit and Plan update (if required) for "Hot Spots" update requirement.	Section V.B.
- Facilities not yet prioritized.	Section V.E.
- Voluntary updates.	Section V.F.
- If revised emissions were used in a risk assessment.	Section V.G.
5. What data must be updated and in what format? Can previous information be used?	Sections V.H. - V.M.
6. Do you have any diesel engines?	Section XI.

Section II. Applicability: Who Must Comply and When?

Note: This section establishes criteria for determining which facilities are subject to reporting and which facilities may be exempted from further compliance (or reinstated) based on prioritization score. In clarification of the provisions below, the districts may voluntarily consider population-wide impact assessments and the potential for cumulative risk from multiple facilities in granting an exemption from further compliance or in determining reinstatement.

A. Facilities Whose Criteria Pollutant Emissions Are 25 Tons Per Year or More and Facilities Listed in a District Air Toxics Inventory, Report, or Survey.

Except for facilities or activities exempted by Health and Safety Code sections 44324, 44325, and 44344.4, as further defined in section III and IV, this regulation applies upon its effective date to any facility which:

- (1) manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance, and releases 25 tons per year or more of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides; or
- (2) is listed in any current toxics use or toxics air emission survey, inventory, or report released or compiled by an air pollution control district or air quality management district (herein referred to as "district") and referenced in the list of "Air Pollution Control District Air Toxic Inventories, Reports, or Surveys" in Appendix A of title 17 California Code of Regulations, sections 90700 through 90705.

Plan Submittal Date: Every facility included in section II.A. shall submit an emission inventory plan to the appropriate district by August 1, 1989, unless the district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory (which is prepared by the district in accordance with Health and Safety Code section 44323, and submitted to CARB).

B. Facilities Whose Criteria Pollutant Emissions Are 10 Tons Per Year or More.

Effective July 1, 1989, this regulation applies to any facility which manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance, and releases 10 or more but less than 25 tons per year of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides.

Plan Submittal Date: Every facility included in section II.B. shall submit an emission inventory plan to the appropriate district by August 1, 1990, unless the district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory (which is prepared by the district, and submitted to CARB).

C. New Facilities and Facilities Whose Criteria Pollutant Emissions Increase.

(1) Requirements for New Facilities and Facilities Whose Criteria Pollutant Emissions Increase.

This regulation applies to facilities commencing operation or increasing emissions of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides after June 1, 1989 which meet the conditions specified in section II.A. or II.B.

Plan Submittal Date: The operator of every such facility commencing operation or increasing emissions on or before January 1 of a given year shall submit an emission inventory plan to the appropriate district by the following August 1, unless:

- (a) Covered by Industrywide: The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory (which is prepared by the district, and submitted to CARB).
- (b) Earlier Submission: The facility is subject to earlier submission of an inventory plan in accordance with district requirements adopted in accordance with Health and Safety Code sections 44365(b); or
- (c) Assessed Under District Permit Program: The entire new facility, or all of the modified facility's physical changes or changes in activities or operations which cause the facility's criteria pollutant emissions to increase so that the facility's emissions are above the levels specified in section II.A. or II.B., are subject to a district permit program established in accordance with Health and Safety Code section 42300, the district conducts an assessment which meets all the criteria specified in the following subsection II.C.(2), the facility qualifies under subsection II.C.2(a) or II.C.2(b), and the district issues a permit for the physical change or change in activities or operations or, for a new facility, a permit authorizing construction or operation of the facility.

E. Facilities Emitting Less Than 10 Tons Per Year of Criteria Pollutants.

(1) Facilities in a Class Listed in Appendix E.

This regulation applies to any facility which manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance; and which releases less than 10 tons per year of each of total organic gases, particulate matter, nitrogen oxides, and sulfur oxides; and which belongs to any class listed in Appendix E.

The operator of any facility subject to this section which belongs to any class listed in Appendix E shall submit to the appropriate district an emission inventory

plan and emission inventory report which meet all the requirements of this regulation, unless:

- (a) The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323, and submitted to CARB; or
- (b) The facility is subject to earlier submission of an inventory plan in accordance with sections II.A., II.B., II.C., or II.D., or in accordance with district requirements adopted in accordance with Health and Safety Code section 44365(b); ~~or~~
- (c) ~~The facility meets the general exclusion provision for facilities as specified in Note (1) to Appendix E.~~

Plan and Report Submittal: The inventory plan shall be due August 1, 1994 for any facility subject to this section and in operation on or before January 31, 1994. For any facility subject to this section commencing operation after January 31, 1994 and on or before January 1 of a given year, the operator shall submit an emission inventory plan to the appropriate district by the following August 1, except as provided in section II.E.(1)(a), (b), or (c) above. The schedule specified in Health and Safety Code sections 44340(b), 44341, and 44343, and in section II.A. and section VII.G. herein shall apply to the review, approval, and implementation of the plan and submittal of the report.

(2) Facilities in a Class Added or Amended in to Appendix E.

This regulation applies to any facility subject to this section which belongs to any class subsequently added or amended in to Appendix E of this regulation. The initial data year, by district group and sector phase, is defined according to Appendix E, Tables E-1, E-2, and E-3.

Plan Submittal Date: The operator of any facility which belongs to a class added or amended in to Appendix E on or before April 1 of a given initial data year, as specified in Appendix E, shall submit the required emission inventory plan to the appropriate district by the following August 1, unless:

- (a) Covered by Industrywide: The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory (which is prepared by the district in accordance with Health and Safety Code section 44323, and submitted to CARB);
- (b) Earlier Submission: The facility is subject to earlier submission of an inventory plan in accordance with sections II.A., II.B., II.C., or II.D., or in accordance with district requirements adopted in accordance with Health and Safety Code section 44365(b); or

~~(c) Meets the General Exclusion Provisions in Appendix E: The facility meets the general exclusion provision for individual facilities as specified in Note (1) to Appendix E; or~~

(cd) Assessed Under District Permit Program: The entire facility, or all of the facility's processes which cause the facility to be subject to the requirements in Appendix E for an "Any" SIC or NAICS class or a class limited to specified portions of an SIC or NAICS, are subject to a district permit program established in accordance with Health and Safety Code section 42300, the district conducts an assessment which meets all the criteria specified in section II.C.(2), herein, the district designates the facility a "low level" facility in accordance with the criteria in section IV.A., and the district issues a permit for the physical change or change in activities or operations or, for a new facility, a permit authorizing construction or operation of the facility. If the facility meets the requirements under this section, II.E.(2), the facility shall not be required to submit an emission inventory plan or report under section II.E.(1) , or

(d) Are included in the waste-handling sector provisions under Section IX.H.

(3) Facilities Emitting Less Than 10 Tons per Year of Criteria Pollutants and Identified By the District As Posing Concern to Public Health.

(a) This regulation applies to any facility which does not otherwise belong to a class of facilities listed in Appendix E, but is a facility in any SIC or NAICS that is identified by the district in accordance with this section and for which the district has made an initial assessment of the emissions from the facility, and the district has made a written determination that:

(i) there is a reasonable basis for determining that the facility may individually or in combination with other facilities pose a potential risk to public health exceeding the levels for prioritization score, cancer or non-cancer risk, or *de minimis* levels specified in section IV.A. for "low level" facilities, or the district has identified the emissions from the facility as being of health concern to the community, and

(ii) detailed toxics emission data are needed by the district to completely evaluate potential health risk to surrounding receptors.

H. Updates to the List of Substances, and Phase-In Provisions.

(1) Updates of New Substances With No Delayed Phase-In in "Effective Phase"

~~The~~ For substances added to Appendix A, which have no delayed phase-in provisions denoted in the "Effective Phase" column of Appendix A, or which are denoted as "e" existing substances, the operator of any facility which manufactures,

formulates, uses, or releases any such substance added to the list of substances on or before April 1 of the year the regulation is effective, ~~a given year~~ shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory (which is prepared by the district, and submitted to CARB).

(2) Updates of New Substances With “Effective Phase” Denoted as “ChemSet-1” or “ExistGrp”

Substances in Appendix A which are denoted in the “Effective Phase” column as “ChemSet-1” or “ExistGrp”, have an Effective Initial Emission Data Quantification Year at the date shown for that phase in Table 2, and for the applicable District Group as shown in Appendix E, Table E-2. The operator of any facility which manufactures, formulates, uses, or releases any such substance added to the list of substances, or which meets one of the chemical functional group definitions, on or before April 1 of the Effective Initial Emission Data Quantification Year shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory (which is prepared by the district, and submitted to CARB).

Table 2. Effective Initial Emission Data Quantification Year for New Substances

	<u>Effective Initial Emission Data Quantification Year for New Substances</u>		
<u>District Group</u>	<u>ExistGrp</u>	<u>ChemSet-1</u>	<u>ChemSet-2</u>
<u>A</u>	<u>2022</u>	<u>2022</u>	<u>2026</u>
<u>B</u>	<u>20242023</u>	<u>20242023</u>	<u>20282027</u>

(3) Updates of New Substances With “Effective Phase” Denoted as “ChemSet-2”

Substances in Appendix A which are denoted in the “Effective Phase” column as “ChemSet-2” have an Effective Initial Emission Data Quantification Year at the date shown for that phase in Table 2, and for the applicable District Group as shown in Appendix E, Table E-2. The operator of any facility which manufactures, formulates, uses, or releases any such substance added to the list of substances, or which meets one of the chemical functional group definitions, on or before April 1 of the Effective Initial Emission Data Quantification Year shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory (which is prepared by the district, and submitted to CARB).

(4) Petition Process for Adding Substances to Appendix A

An interested party may submit a petition to the Executive Officer of the state board to request the addition of one or more substances to Appendix A via ab2588ei@arb.ca.gov. The petition must include the chemical name (common name or IUPAC) and any information the interested party has on the chemical (e.g., where it may be emitted from, literature on the potential for chronic or acute health concerns, the potential for the substance to become an airborne, and the CAS number, if available). The Executive Officer will acknowledge the request within 90 business days, and if appropriate, the addition of the substance will be considered for the next update of Appendix A.

(5) Availability of Emission Quantification Methods

If no emission quantification method exists to quantify emissions of a substance at the time of its "Effective Phase", the facility operator only needs to report the presence, use, or production of the substance and the amounts present, used, or produced within the facility, using the Appendix B "Supplemental Use and Production Reporting Form" (S-UP) or the equivalent information in a format required by the air district.

The availability of an emission quantification method shall be re-evaluated for these chemicals at the time of the next facility update reporting cycle. If a method is then available, emission quantification is required pursuant to the provisions in section VIII.E.(3).

Section III. Removal of Facilities That No Longer Meet Applicability Criteria

Note: This section establishes criteria for determining which facilities are no longer subject to reporting. In clarification of the provisions below, the districts may voluntarily consider population-wide impact assessments and the potential for cumulative risk from multiple facilities in granting an exemption from further compliance.

A. Facilities Whose Emissions Decrease Below 10 Tons Per Year of Criteria Pollutants.

(1) Conditions.

This regulation shall cease to apply to any facility whose emissions of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides are reduced to the extent that the facility no longer satisfies the conditions specified in section II.A. and II.B., if the facility demonstrates to the district, and the district finds and the state board concurs that the following criteria are satisfied.

- (a) The facility does not satisfy the conditions specified in section II.A.(2) or any of the conditions in section II.E.;
- (b) The emission reductions are permanent and enforceable; and
- (c) The facility poses no significant risk to public health. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.

Concurrence of the state board will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

The operator of any facility that satisfies these criteria and obtains the district's findings thereof and the state board's concurrence thereof on or before January 1 of a given year, shall not be required to comply with update requirements under section V. for that or any subsequent year.

Section IV. Update Categories and Exemptions From Update Reporting

Note: This section establishes categories for facilities subject to update requirements and criteria for determining which facilities may be exempted from further reporting. In clarification of the provisions below, the districts may voluntarily consider population-wide impact assessments and the potential for cumulative risk from multiple facilities in granting an exemption from further compliance.

The update categories of facilities meeting the criteria specified in this section, as designated by the district, are “low level”, “intermediate level”, “high level”, or “not yet prioritized”.

A. "Low Level" Facilities Exempted From Update Reporting.

(1) Conditions.

Exemption from Hot Spots reporting does not exempt the facility from applicable reporting requirements under other programs.

Facilities exempt from further compliance with this regulation under section II.J. are exempt from update requirements under section V. Facilities that are not exempt under section II.J. may qualify to be designated "low level" facilities for update reporting purposes if they meet the following conditions.

Except as specified in section IV.A.(1)(e), for facilities which emit federal Hazardous Air Pollutants (HAPs) and section IV.A.(5), a facility that has completed and obtained district approval of its emission inventory, and that has completed all other applicable requirements, will be excluded from update reporting requirements under this regulation, if the district finds and the state board concurs that any of the following criteria are satisfied:

- (a) Prioritization Score: the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and the facility has been prioritized by its district in accordance with Health and Safety Code section 44360(a) using procedures that have undergone public review, and, based on the most recent district-approved toxics emission inventory, the facility's prioritization score is equal to or less than 1.0 for cancer health effects and is equal to or less than 1.0 for non-cancer health effects. Some appropriate procedures for estimating prioritization scores are presented in the California Air Pollution Control Officers' Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, August 2016~~July 1990~~", which is incorporated by reference herein; or
- (b) Approved Risk Assessment Result: the facility was required to conduct a risk assessment under Health and Safety Code section 44360(a), and the facility has had its risk assessment approved by the district in accordance with Health and Safety Code section 44362 and has been notified in writing by the district that the risk assessment results show a total potential cancer risk at an

actual receptor, summed across all pathways of exposure and all compounds, of less than one (1.0) case per one million persons and a total hazard index (H.I.) for each toxicological endpoint of less than 0.1. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the OEHHA "Air Toxics 'Hot Spots' Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015~~October 2003~~", which is incorporated by reference herein; or

- (c) *De Minimis* Thresholds For Specified Classes of Facilities: the facility's primary activity falls into one of the following classes in Appendix E, Table E-3 for which the Activity Level Reporting Threshold is established at a specific level other than "Any activity level" and the facility meets the specified criteria, unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b).;

- (d) Results of Approved Screening Risk Assessment: the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and if the facility's prioritization score is greater than 1.0, the district, or the facility with the concurrence of the district, conducted, at district option, a worst-case, health conservative risk assessment using screening air dispersion modeling, as described below, to demonstrate that the facility's screening risk levels qualify the facility for a "low level" exemption under this section.

- (i) Screening Criteria: the facility must use a worst-case, health conservative methodology, and must obtain written concurrence from the district and the Office of Environmental Health Hazard Assessment (OEHHA) that the methodology meets all of the criteria and protocols specified in Appendix F of this regulation, and conforms to acceptable procedures for calculating cancer risk and hazard index. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the OEHHA "Air Toxics 'Hot Spots' Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015~~October 2003~~", which is incorporated by reference herein.
- (ii) Approval Process: upon receipt of a proposal for use of a screening risk assessment, the district shall ensure that all components of information required under this section are included and that the methodology meets all state and district criteria for appropriate procedures. If the district determines that the proposal is not complete, the district will identify components that need to be included and will notify the facility. The facility may revise its proposal and resubmit it to the district. Once the proposal and risk assessment are complete, the district shall immediately submit the assessment to OEHHA for technical review and comment. To the extent practicable, OEHHA will determine whether the proposed screening risk assessment is acceptable and will note any deficiencies in

the assessment, and will respond within 45 days of receipt of the assessment. OEHHA's approval of the assessment will be presumed if OEHHA does not respond to the district within 45 days of OEHHA's receipt of the assessment. The facility operator shall correct any deficiencies identified by OEHHA. The district may approve the assessment only if both the district and OEHHA find the assessment acceptable.

- (iii) Screening Threshold: the facility qualifies as a "low level" facility for purposes of this section and is exempted from update reporting requirements under section V, if the approved screening risk assessment shows a total potential cancer risk at the point of maximum off-site impact, summed across all pathways of exposure and all compounds, of less than one (1.0) case per one million persons and a total hazard index for each toxicological endpoint of less than 0.1. However, the district may also consider population exposure in the screening assessment, and consider the facility's risk individually or in combination with other facilities, and the district may determine and notify the facility operator that the facility does not qualify for a "low level" exemption if the district determines that the population exposure and/or combined exposure is significant.~~One acceptable indication of significant population exposure could be a cancer burden of 0.5 or greater.~~
- (iv) Screening Assessment Date: if the screening risk assessment is completed and approved on or before April 1 of a given year, the results may be used to qualify the facility for an exemption from update reporting requirements under section V that would be due in August of that year.

Section V. Update Reporting Requirements

Note: This section establishes criteria for the extent of update requirements for facility categories. In clarification of the provisions below, the districts may voluntarily consider population-wide impact assessments and the potential for cumulative risk from multiple facilities in determining the extent of updates required for a facility.

A. General Update Reporting Requirements.

Facility operators required to report under section II are subject to update reporting requirements as specified in section V, unless: (1) the facility is exempted under section II.J. or III, (2) the facility is designated as a "low level" facility and exempted from update reporting requirements under section IV.A., or (3) the district notifies the facility in advance in writing that the facility's emissions will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323.

Every facility operator subject to update reporting requirements shall submit either an Update Summary Form or an update plan and report, as specified in sections V.B. through V.M., below. Facility operators shall comply with these requirements in accordance with the schedule specified in section V.L. In sections V.B. through V.M. the terms "high level", "intermediate level", and "low level" mean the same as specified in section IV of this regulation, and shall be based on emissions from the most recent facility emission inventory approved by the district.

Section VIII. Other Requirements

F. Reporting Mixtures and Trade Name Products.

- (1) Except as provided in sections VIII.F.(3) through F.(8), the emissions of each listed substance contained in any mixture shall be individually reported to the degree of accuracy required in section VIII.E. and Appendix A.

- (10) A Material Safety Data Sheet (MSDS), Safety Data Sheet (SDS), or Technical Data Sheet (TDS) shall be considered sufficient to identify listed substances in a mixture or trade name product only if all listed substances can be identified to the degree of accuracy required by section VIII.E. and Appendix A unless the district concurs that the presence of a particular substance in the mixture is highly unlikely. An MSDS, SDS or TDS shall not be acceptable for purposes of this regulation if trade secret information has been omitted or if it includes a mixture or a category of substances (such as "petroleum process oil") that may reasonably be expected to contain a listed substance (such as benzene), unless, by consulting the manufacturer or performing a laboratory analysis of the material, the facility operator demonstrates to the satisfaction of the district that no listed substances are included in the mixture or the facility operator establishes the amounts of listed substances that are present.

G. On-Site Mobile Sources.

As required by H&SC Section 44340(c)(2) to ensure a comprehensive characterization of the full range of hazardous materials that are released, or that may be released, to the surrounding air from the facility, inventory reporting is required for the following specified types of mobile sources present at the facility.

- (1) Motor Vehicles:** The facility operator shall include in the emission inventory plan and emission inventory report the dust emissions produced from routine and predictable motor vehicle activity at the facility. Vehicle refueling and fuel tank storage emissions on the site must also be reported. While the tail pipe emissions and other emissions emanating directly from the motor vehicles are not included in the facility's reporting requirements, the district may require the facility operator to report activity data regarding the usage of such vehicles at the facility.

Section 415 of the Vehicle Code defines a "motor vehicle" as a vehicle which is self-propelled; "vehicle", in turn, is defined in Section 670 of the Vehicle Code as a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Some examples of motor vehicles are automobiles,

trucks, buses, road graders, earth movers, tractors, golf carts, motorcycles, self-propelled harvesters, forklifts, and sweepers.

(2) Other (Non-Motor Vehicle) Mobile Sources: For non-motor vehicle mobile sources (those not meeting the definition of motor vehicles) which operate within the facility, the following inventory information is required to be included in the facility's emission inventory plan and emission inventory report. For non-motor vehicle mobile sources which stay within the facility property, the facility operator shall include reporting of all emissions from such non-motor vehicle mobile sources. In addition, the district may require the facility operator to report activity data regarding the usage of non-motor vehicle mobile sources that are periodically located within the facility property.

Examples of Non-Motor Vehicles include locomotives, airplanes, ~~lawn mowers (non-riding), leaf blowers,~~ refrigeration units, ~~chainsaws,~~ auxiliary generators, welding machines, pleasure craft, ~~ships,~~ and cranes.

Section IX. Source Testing and Emission Factors

G. Specifications for Acceptable Estimation Methods and Emission Factors.

- (1) Where emissions of substances are required to be quantified but where measurement is not required under section IX.A., the emission inventory plan may propose ~~an estimation~~ a quantification method to quantify such emissions at all primary locations of release to the degree of accuracy required by section VIII.E. The district may approve a proposed method only if all of the following criteria are met:
 - (a) The district determines that the method is effective and reflects the best available methods and data, and will produce an accurate representation of the types and quantities of air releases at a facility~~;~~. The district may require source testing of any process and/or device when there are no adequate emissions factors, existing source test results or other method available to determine emissions;

H. Two-Step Process and Protocol for Specified Open Sources at Waste-Handling Facilities.

Appendix D requires a two-step process and protocol for qualitative screening followed by quantitative testing, for specified open sources at waste-handling facilities. Due to the unique function and operation of these facilities in receiving and processing inflows over which they have significantly less control than a typical business, waste-handling facilities are subject to their own phase-in schedule as outlined by Sector 3B in Appendix E. Waste-handling facilities that emit greater than 10 tons per year of criteria pollutants and which are part of an approved pooled source test protocol may also follow the Sector 3B reporting schedule as set forth in Appendix E. For waste-handling facilities in an approved two-step testing process as set forth below, the Sector 3B phase-in schedule shall mean that the emissions from all operations at the facility are due to be reported by the 2028 data year reporting deadline, even if other processes in Sector Phases 1, 2 or 3 are present at the facility.

- (1) The two-step process applies to open sources at the following types of facilities for which waste-handling is the primary function:

- (a) Waste water treatment at waste water treatment facilities, including publicly owned treatment works (included in SIC 4952 or NAICS 221320);
 - (b) Collection and disposal of refuse at landfills (included in SIC 4953 or NAICS 5622xx, 562920);
 - (c) Composting of organic waste at composting facilities (included in SIC 2875, 4953 or NAICS 325314, 562212, 562219);
 - ~~(d) Recycling facilities, and material recovery facilities that separate organic waste from recyclable materials (included in SIC 4953 or NAICS 562212, 562920);~~
 - ~~(e)~~(d) Scrap and waste wholesale handling and recycling, including but not limited to junk metals, shredding operations, and auto dismantling (included in SIC 5093 or NAICS 423930).
- (2) In the first step, the facility operator shall submit an initial emission inventory plan that includes proposed testing protocols for qualitative testing of representative open sources at all relevant emitting processes, devices, or activities at the facility. The testing protocols shall be designed to identify all listed substances of concern for the facility (independent of the Effective Phase shown in Appendix A-I for the substance) for purposes of emission quantification in the second step. Facilities already subject to on-going quadrennial/update reporting need not report the new Effective Phase substances in update reports due prior to the completion of the two-step process, as long as the facility is included in an approved two-step process and continues their reporting of existing substances in the interim.

Section X. Definitions

For the purposes of this regulation the following definitions apply:

- (21) **"Material Safety Data Sheet" ("MSDS") or "Safety Data Sheet" ("SDS")** means printed material concerning a hazardous substance which is prepared by manufacturers and importers in accordance with section 5194(g) of title 8, California Code of Regulations, "Hazard Communication".
